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December 3, 2007

Hon. Debra C. Freeman
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *GMA v. Eminent, Inc., et. al*
Docket No.: 07 CV 3219 (LTS) (DCF)

MEMO ENDORSED

Your Honor:

I respectfully request a conference pursuant to Local Civil Rule 37.2 to discuss the overdue document production from retailers SAKS, WINK and INTERMIX, which were due on Monday, November 26. My associate in good faith attempted to persuade counsel to supply the documents last week. I also discussed this issue during a telephone conference with counsel on November 29th. We also in good faith agreed to postpone the deadline for fact discovery pursuant to stipulation with counsel last week even though we did not concur with the stated grounds for the request.

The trouble is that though these document requests were delivered to counsel 5 weeks ago, he has advised that he will not have these documents from his client until this week and then next week he will start production of "non-privileged" documents. These parties are explicitly covered by the confidentiality order and a copy of the stipulation is respectfully annexed.

We offered counsel a 10 day grace period to cure the Rule 34 violation in order to avoid burdening your Honor, but this was not acceptable to them, hence we have a dispute that we need your Honor's help to resolve. We respectfully seek an Order giving them a deadline of December 7 to produce both privileged and non privileged documents.

The request for a conference to address this document production is denied, as it appears from the further correspondence received from counsel that this discovery can be easily completed with reasonable professional courtesies

cc: Robert J. Grand, Esq. (via email)
Robert Carillo, Esq. (via email)

extended to defendants to accommodate the holidays. Counsel are cautioned that they should only be burdening the Court with disputes that they cannot work out through reasonable discourse.

Respectfully,

[Signature]
John P. Bostany

SO ORDERED: DATE: 12/5/07

Returned to chambers for scanning on
Scanned by chambers on

1-15-08

UNITED STATES MAGISTRATE JUDGE

DEBRA FREEMAN

MICROFILMED

DEC - 7 2007 - 12 00 PM